



Public Employees for Environmental Responsibility

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February 6, 2019

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: FOIA REQUEST - CIVIL ENFORCEMENT

To whom it may concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests current information for FY 2018 and FY2019 concerning EPA's civil enforcement program, which is not yet posted on EPA's website (see <https://www.epa.gov/enforcement/enforcement-annual-results-analysis-and-trends-fiscal-year-2017>). Specifically, we request the following:

1. Documents reflecting the total number of Civil Enforcement Case Initiations, by year, during FY 2018 and FY 2019 to the present;
2. Documents reflecting the total number of Civil Enforcement Case Conclusions, by year, during FY 2018 and FY 2019 to the present;
3. Records tabulating or summarizing the number of civil environmental enforcement cases both initiated and concluded separately in each of the ten EPA regions and in the Headquarters, by year, during FY 2018 and FY 2019 to the present, together with an indication of the alleged violations involved;
4. Records tabulating or summarizing the number of Federal Inspections and Evaluations conducted by EPA, by year, during FY 2018 and FY 2019 to the present,
5. Records tabulating or summarizing the number of Supplemental Environmental Projects (SEPs) associated with enforcement settlements with EPA, by year, during FY 2018 and FY 2019 to the present;
6. Records tabulating or summarizing the monetary value of the SEPs associated with enforcement settlements with EPA, by year, during FY 2018 and FY 2019 to the present; and

7. Records tabulating or summarizing the “Estimated Environmental Benefits Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water)” by year, during FY 2018 and FY 2019.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

To the extent that EPA needs to perform a detailed review, PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government.

The FOIA request is, by its terms, limited to identifiable activities of EPA and its employees.

2. For the disclosure to be “likely to contribute” to the understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.

The requested material would help the public understand the output of EPA’s civil investigation and enforcement program.

The request will enable the public to see the relative EPA investment in civil enforcement of anti-pollution laws.

As these topics are the explicit focus of this request, the requested material is directly informative in relation to the request.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requestor or a narrow segment of interested persons.

The requested material concerns the level of federal anti-pollution enforcement in every region of the United States. In addition, the material concerns enforcement of every major anti-pollution law. As such, the material would be informative to the public, at large.

The public at large is also interested in corporate malfeasance, particularly as it effects the public health and the environment. The general public also has a keen interest in whether EPA enforcement efforts and investments have slackened in recent months.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day;

and

- Publication in the PEER newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

PEER has a long history of attracting media and public attention to the internal workings of EPA, including the topic of this request.

4. The disclosure must contribute “significantly” to public understanding of government operations or activities.

This material is not publicly posted by EPA. The nature of the information should shed direct light on the quality, strength and extent of civil enforcement inside EPA.

5. The extent to which disclosure will serve the requestor’s commercial interest.

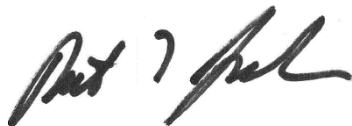
Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation’s resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

6. The extent to which the identified public interest in the disclosure outweighs the requestor’s commercial interest.

As stated above, disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation’s resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-4189 or pjenkins@peer.org . I look forward to receiving the agency’s final response within 20 working days.

Cordially,

A handwritten signature in black ink, appearing to read "Peter T. Jenkins".

Peter T. Jenkins
Senior Counsel